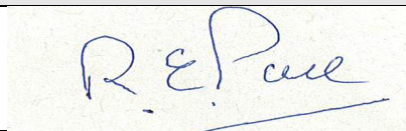
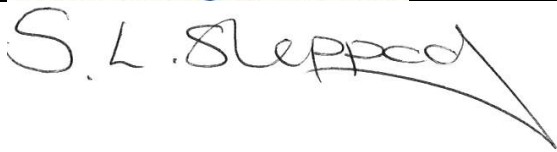


Aspire, Believe - Together Achieve

## Policy & Procedure for Managing Sickness Absence

Signed Chair of Governors	
Signed Headteacher	
Next Review Date	10 <sup>th</sup> May 2024

This policy was written by Integra Schools HR Team

There are guidance notes at the end of the policy which provide further detail on aspects of this policy and should be used in conjunction with it.



# 1. Policy

This policy of the Governing Body provides a framework and sets standards to ensure that employees are treated fairly and consistently, whilst enabling organisational improvement, by:

- Supporting and encouraging the health, safety and welfare of its employees
- Ensuring that employees with health issues, including those absent from work are treated fairly, sympathetically and consistently
- Responding to the consequences of absence for service provision, associated costs and any additional workloads falling to other employees
- Monitoring all instances of absence short or long term, to ensure they are addressed appropriately with the focus being to ensure high levels of attendance
- Following reporting procedures and sick pay schemes consistently
- Dealing with abuse of the sick pay scheme robustly and promptly
- Ensuring there is no discrimination in accordance with the Equality Act
- Ensuring confidentiality is maintained and respected in accordance with the Data Protection and Access to Medical Reports Acts
- Ensuring that all employees are aware of the policy and the underlying principles

There is supporting guidance which provides further details on aspects of this policy, and therefore should be used in conjunction with it. Both documents should be issued to employees.

## 2. Scope of procedures

These procedures apply where an employee experiences any ill health absence; or where there is an established underlying medical condition or disability (this may not necessarily result in long term or continuous absence from work).

Where ill health issues occur in relation to the Headteacher, then the role of the Headteacher as described in these procedures will normally be carried out by the Chair of Governors or other appropriate Governor (as advised by the HR Officer).

The procedures described in this document do not cover situations where an employee either fails to observe the school's sickness reporting procedures or makes a false claim about sickness absence. In such circumstances, Headteachers are advised to speak to their HR Officer for advice.

## 3. General principles of managing sickness absence

- Sickness absence should be reviewed regularly
- Regular contact should be made with employees who are absent due to sickness
- The professional services of Occupational Health should be used to guide and inform decision making, where appropriate
- Return to work interviews should be carried out when an employee is able to return to work
- Advice and support should be sought from your HR Officer throughout the process



## 4. Procedure for dealing with long term sickness absence cases

This procedure applies when an employee's continuous sickness absence has lasted for four weeks and is expected to continue.

Where there are a number of long-term absences that appear to be due to unrelated medical conditions then these will usually be considered to be sporadic and should be dealt with under section 5; the procedure for dealing with short term/sporadic sickness absence cases.

The Headteacher, or Line Manager, should continue to maintain regular contact with the employee. On receipt of a fit note from the employee's GP there should be consideration of any support or reasonable adjustments suggested by the GP that could be made to enable the employee to return to work. If you are unable to facilitate the recommendations made by the employee's GP on the fit note, this should be discussed with the employee. Further advice should be obtained from Occupational Health if appropriate. In any event, if the employee has not already been referred to Occupational Health after four weeks of sickness absence then it is recommended that a referral is made after this period of time.

### 4.1 Initial review after four weeks of sickness absence

When an employee's absence reaches four weeks, the Headteacher/Line Manager should arrange to review the situation with the employee. Where there has been regular contact, the employee's ill health situation is known, and he/she is likely to be able to return to work imminently, then an appropriate form of contact should take place, and in many situations a telephone conversation should suffice.

If a meeting takes place, the employee may wish to be accompanied by his/her companion (a trades' union/professional association representative or work colleague). The Headteacher/Line Manager may be accompanied by an HR Officer if required.

If the employee is hospitalised at this time, the review and any associated action should be postponed, pending the individual's discharge from hospital. The Headteacher should seek further advice from their HR Officer.

The review will enable the following areas to be discussed with the employee where appropriate:

- Confirmation/clarification of the nature of the sickness absence
- The expected duration of the absence and a likely possible return to work date
- Any concerns or issues that the Headteacher/Line Manager, or the employee, has regarding the absence
- Any assistance that the school can give to support an early return to work e.g. supported/accompanied visits to the school, possible reasonable adjustments, rehabilitation, temporary or permanent redeployment
- Confirmation of a referral to Occupational Health
- A discussion in relation to any other support that can be given to the employee, e.g. access to counselling support if available; support from his/her local trades' union or professional association representative, etc.

- Possible outcomes may therefore be:
- No further action at this stage, keeping absence levels under review
- A referral to Occupational Health for advice and assistance where appropriate
- Other alternatives that the school can accommodate (e.g. a temporary change in hours)

### 4.1.1 Occupational Health referral

During the initial review stage (as outlined in section 4.1) and where the employee's return to work is not imminent and a referral to Occupational Health is required, then the reason for the referral should be discussed with the employee. The Headteacher/Line Manager will agree the content of the referral with the employee and confirm that consent has been given, by the employee, to make the referral.

It should be explained to the employee that the purpose of the referral is to obtain advice that will help the Headteacher/Line Manager make an informed decision about the most appropriate course of action to take, and any appropriate support which could be offered to the employee and generally to gain an understanding of the employee's ill health situation.

## 4.2 Meeting to review Occupational Health advice

Once the report has been received from Occupational Health, a meeting should be arranged by the Headteacher/Line Manager with the employee. The employee may wish to be accompanied by his/her companion (a trades' union/professional association representative or work colleague) and an HR Officer can support the Headteacher, if required.

The purpose of a meeting to review occupational health advice should be:

- to discuss the employee's general ill health situation
- to discuss potential options with the employee

A meeting may not be required in such circumstances where:

- an imminent return to work is agreed between the employee and the Headteacher/Line Manager which does not require further discussion

It may be necessary to hold a series of meetings with the employee depending on the additional advice from Occupational Health.

This meeting (or meetings as appropriate) should include a discussion about the employee's situation in the light of all the information available and consider the options for the employee's return to work, which will fall broadly into one of the following categories:

**Likely to return to work:** where there is a likelihood of a return to normal or near normal work within the foreseeable future, consideration should be given as to how the employee might be best assisted, by permanent or temporary arrangements. These could include:

- an agreed, structured phased return to work including a return to work plan
- a reasonable adjustment in terms of the employee's duties, hours of work, or work practices
- reasonable adjustments e.g. the provision of aids or adaptations.



There may be circumstances where advice from Access to Work may be appropriate as they may be able to offer practical and/or financial help to an employer in order to support an employee with a disability.

**Likely to return to work, but not yet:** where the advice from Occupational Health is that there is a likely return to work, but due to the employee's medical condition it is unclear when that return will be. It is likely that the situation will require a further period of monitoring and possibly a subsequent Occupational Health report.

**Likely to return to work but not to the employee's former duties:** where Occupational Health has advised that the employee will not be able to return to their former duties on medical grounds, but may be able to undertake other duties, then consideration may be given to the following options:

- Are there substantial adjustments or changes that could be made to the employee's duties or hours of work to enable him/her to return to work; or,
- could the school consider redeploying the employee to a post within the school, when there is a suitable vacancy in line with the employee's skills and experience?

**No foreseeable likelihood of a return to work:** if despite all the efforts of the employee and the Headteacher/Line Manager, and with the specialist advice and support from Occupational Health and HR, there is no prospect of a return to work in the foreseeable future, then the options for consideration should include:

- a discussion of all previous actions and their effectiveness
- whether there are grounds for early retirement on the basis of permanent ill-health, supported by Occupational Health?
- whether to consider dismissal on the grounds of lack of capability due to ill-health (the implications of this option must be fully discussed with the employee and conveyed sensitively). This should be confirmed in writing with the employee following the review meeting and he/she should be informed that a hearing will be arranged to consider dismissing him/her on the grounds of a lack of capability due to ill health.

### **4.3 Ill health dismissal**

Where there is no foreseeable return to work the employee may be informed that the school will need to consider dismissal on the grounds of lack of capability due to ill-health. Please refer to section 6.



## 5 Procedure for dealing with short term/sporadic sickness absence cases

Sporadic absences may include situations where there are a number of short, or long term absences that appear to be due to unrelated medical conditions and which form an unacceptable pattern.

### 5.1 Intervention points for management action

Intervention points for sporadic/short term absence help to provide a consistent and measured approach to managing sickness absence but each case should be considered on its own merits. If an intervention point is met or exceeded a formal process will not automatically be commenced. The Headteacher/Line Manager should review the employee's attendance when the following points are reached within the last six months:

- 3 periods of absence (irrespective of length of absence), or
- 10 days' total absence

### 5.2 Return to work interview

A return-to-work interview should be conducted by the Headteacher/Line Manager with the employee after each instance of absence in order to identify the cause of absence and to provide an opportunity to explore any particular problems the employee may have. The self-certification form may be used as a prompt for this discussion.

### 5.3 Informal review meeting

Where concern about an employee's level and/or pattern of absence has been triggered the Headteacher/Line Manager should consider the information available, noting any patterns to the absences, what proportion is certificated/uncertificated and what reasons have been given for the absences.

A review meeting should then be arranged between the Headteacher/Line Manager and the employee to discuss the situation and to communicate any concerns. An employee's request to be accompanied at the meeting by their companion (a trades union/professional association representative, or work colleague), should not be unreasonably refused. The Headteacher/line manager may seek advice from their HR Officer.

The meeting will provide the opportunity for:

- the employee to express his/her views about the absences, including the reasons (noting any GP certificates/fit notes or self certificates covering the absence), such as any particular medical, personal or work circumstances which may have contributed to his/her absence
- advising the employee about the difficulties emanating from a high level of absence and encouraging improvement, but in a supportive manner
- discussing actions on how to achieve that improvement, which may include a referral to Occupational Health (and the employee's consent sought)
- considering other forms of support or short term adjustments which may assist the employee





- agreeing a timescale for improvement in attendance
- it should be explained to the employee that all reasonable support will be provided, but also the employee should be made aware of the potential consequences of continued unacceptable absences, i.e. that a formal meeting may be held under section 5.5 of this procedure.

The employee should receive written confirmation of the points discussed and the agreed review period.

## 5.4. Consideration of the employee's attendance levels following the review period

The Headteacher/Line Manager should review attendance at the end of the agreed review period:

Where sufficient improvement is achieved within the agreed timescale this should be acknowledged by the Headteacher/Line Manager and noted on the employee's personal file.

Where insufficient improvement is achieved within the agreed timescale then the Headteacher/Line Manager should ensure that all reasonable steps have been taken to ascertain whether there is any underlying reason for the absences, as per section 5.3.

Where the Headteacher/Line Manager is satisfied that personal, domestic or other circumstances have caused or contributed to the employees level/pattern of sickness absence, then normally a further review date should be set and reasonable support measures put in place.

Where ultimately, despite all reasonable support measures, the employee's level of attendance continues to be unacceptable then the employee will be required to attend a sickness absence review meeting under section 5.5. of this procedure. Integra Schools HR - September 2019

## 5.5 Formal sickness absence review meeting

An employee will be given at least 5 working days' notice in writing to attend a sickness absence review meeting. He/she may be accompanied by his/her companion (a trades' union/professional association representative or a work colleague).

The Headteacher will ensure that the employee has:

- a copy of this policy and guidance notes
- a copy of his/her sickness absence record
- copies of any relevant correspondence

An HR Officer may be requested to attend the meeting in an advisory capacity.

The Headteacher will conduct the meeting which will include:

- an explanation of the concern about the impact of the absences on the employee's performance, on service delivery and on other employees
- discussion about the advice received from Occupational Health, where sought
- an opportunity for the employee and/or representative to respond and raise any circumstances for consideration
- an exploration of possible ways of assisting the employee to improve attendance



After consideration of all the relevant information during an adjournment, the Headteacher will reach a decision:

- That no further action is required, or
- That a further review will take place within a specified time, or
- That a first sickness absence warning will be issued, which will remain on file for 12 months, and that a further sickness absence review meeting will take place if his/her absence continues to be unacceptable, which may result in him/her being issued with a final sickness absence warning

## 5.6 Final sickness absence review meeting

Where the employee's absence continues to be unacceptable after the issue of a first sickness absence warning, a final sickness absence review meeting will take place and a decision reached as in 5.5 above, however a final sickness absence warning may be issued, which will remain on file for 2 years. The employee should be informed that in this instance, if his/her absence remains unacceptable then the employee will be required to attend a hearing to determine whether or not he/she should be dismissed on the grounds of a lack of capability due to ill health.

## 5.7 First and final sickness absence warnings

Sickness absence warnings should normally contain:

- A statement of the level of absence and management's concerns about its effects
- The potential consequences for the employee of a continuing high level of absence, such as a final sickness absence warning, or dismissal on grounds of a lack of capability due to ill health
- Confirmation of any arrangements that are to be implemented in an effort to improve the employee's attendance, including a review date
- An explanation of the employee's right of appeal

## 6. Dismissal for lack of capability due to ill health

Where:

- The school has exhausted all other options in the procedure for dealing with long term ill health cases, or
- Within 2 years of receiving a final sickness absence warning an employee has had further unacceptable levels of absence in accordance with the procedure for dealing with short-term/sporadic sickness absence cases,

then the Headteacher will seek advice from his/her HR Officer, to determine whether a hearing should be arranged, to consider dismissal of the employee on grounds of a lack of capability due to ill health.

If an employee does not attend either an agreed date for a dismissal hearing, or re-convened hearing date, and gives no reasonable explanation for failing to attend, the hearing may continue in the employee's absence. Employees should be given an opportunity to submit written information so that it can be considered at the meeting if they are unable to attend.





If the employee's chosen companion is unavailable, the hearing will be postponed to the time that the employee proposes, provided that the alternative time is reasonable and not more than 5 working days after the original date of the proposed hearing.

## 6.1 Dismissal hearing

A panel will be convened for the hearing. The Headteacher may act in a panel capacity where he/she has not been managing the case and Governors have delegated authority to dismiss employees to the Headteacher, or alternatively the panel may be comprised of normally three governors.

The employee should be given at least 5 working days' notice in writing of the hearing and of the right to be represented, and should be provided with copies of all relevant documentation.

Support will be provided to the panel at the hearing by Integra Schools HR.

The outcome of the meeting must be confirmed in writing to the employee within 5 working days of the hearing, together with his/her right of appeal.

The employee will be given notice in accordance with statutory legislation/conditions of service.

## 6.2 Appeals

The employee has the right to appeal against any sanction given under the formal stages of the procedure: either a first or final sickness absence warning, or dismissal.

An employee who wishes to exercise his/her right of appeal must notify the Clerk to the Governors, in writing, normally within 5 working days of receipt of the written confirmation of the outcome of the sickness absence meeting, or dismissal hearing. The appeal panel will be comprised normally of three governors who have not had a previous involvement in the case. For the purposes of clarity, appeals in relation to warnings should be based on either the employee's view that:

- the decision to move to the formal process was unfair because the procedure had not been properly followed; or
- the decision to issue a final sickness absence review warning was unfair due to the employee's progress during the first formal action plan period; or
- that the content of either action plan was unreasonable given the employee's circumstances

The grounds on which the appeal is made, and any supporting information, should be sent to the Clerk to Governors, at that time, or as soon as possible, but at least two working days before the date of the date of the appeal hearing. The appeal hearing will normally be heard within 10 working days of the written notification of the appeal and the decision of the appeal panel will be final.

## 7 Alcohol, drugs and substance misuse policy

Where an employee has an alcohol or drug related problem the school should, in applying this procedure, give consideration to the school's alcohol, drugs and substance misuse policy.



# Guidance notes for Managing Sickness Absence policy

The guidance provide further detail on the operation of the 'Model School Policy and Procedure for Managing Sickness Absence'. Both documents should be read together. These notes of guidance are advisory only.

## Role of Governors

The Governing Body is responsible for the establishment of the school's policies and practices relating to sickness absence.

The Governing Body has the statutory right to delegate to the Headteacher authority to make an initial dismissal determination as appropriate. If the Headteacher has chosen not to exercise his/her right of carrying out the delegated functions for staff appointments and dismissals then a 'Panel' will be convened as necessary.

Where it is the Headteacher who is absent due to sickness, then the Chair of Governors will normally undertake the role of managing the sickness absence of the Headteacher.

## Role of the Headteacher (or Line Manager)

The overall responsibility for the day-to-day management of absence and sickness issues rests with the Headteacher who plays a key role in the operation of the school's Managing Sickness Absence Policy/Procedure and associated guidance. Management responsibility may be delegated to a Line Manager, although it is recognised that in many cases the Headteacher will also be the Line Manager.

The role includes:

- ensuring that sickness absence procedures are followed - including the countersigning of self-certification forms (a suggested self-certification form is at the end of this guidance)
- ensuring that where, in appropriate circumstances, the employee is required to provide medical certificates ('fit notes') for absences of less than 8 days, the school will reimburse any costs of such certificates on submission of receipts
- conducting, and keeping a record of return to work discussions (the self certificate form may be used for this purpose)
- ensuring that reasonable contact is established early in a period of sickness absence and a mutually acceptable contact plan agreed. The initial contact may be made directly by telephone, email or letter or occasionally through personal visits. Exceptionally, contact may need to be established through an employee's trades' union/professional association representative



- monitoring employees' sickness absence and responding to situations where an employee's absence, through long term sickness/disability or because of the pattern or frequency of short-term absence, is causing concern
- monitoring overall absence levels in schools - the data is required on an annual basis by the DFE for overall monitoring purposes
- considering reasonable adaptations/adjustments to the work or working environment and actively supporting employees who are, or who become disabled, to enable them to return to, or remain at work (taking into consideration the school's responsibilities under the Equality Act 2010)
- ensuring that 'returns to work' from long term absence are managed within the framework of an agreed return to work plan
- referring employees to Occupational Health as appropriate and ensuring employees receive a copy of their Occupational Health reports
- to ensure that employees are provided with a copy of the Policy and Guidance.

In situations where dismissal is a possibility, the role of the Headteacher may vary depending on how the case has been managed:

### **For cases where the Headteacher will take the lead in the dismissal**

**decision:** the Headteacher will be responsible for determining the dismissal and for considering any formal representations. For this reason the Headteacher should not have been involved in the detailed consideration of individual staff absence in the earlier stages. This should have been undertaken by the most appropriate person e.g. the Line Manager.

### **For cases where the Headteacher will not take the lead in the dismissal**

**decision:** the Governing Body will be responsible for determining the dismissal and for considering any formal representations or appeals, where the Headteacher has had involvement in the management of an individual employee's absence.

## **Medical suspension**

When it is considered that an employee poses a risk to the health, education or welfare of pupils because of his/her condition, or to his/her own health and safety, the Headteacher has the power to suspend an employee on medical grounds. However, he/she will have sought advice from the school's HR Officer in the first instance and normally obtained medical advice from the Occupational Health Service. This suspension would be on full pay and in line with the employee's conditions of service. The Governing Body is able to lift the suspension



## Role of employees

The Governing Body expects its employees to:

- observe the school's sickness reporting procedures when absent due to sickness
- maintain reasonable contact with their Headteacher/Line Manager whilst absent, keeping him/her informed about their sickness absence and the likely return to work date
- take reasonable care of their health and seek medical help whenever appropriate
- co-operate in the operation of the school's policy and procedures, including attendance at meetings
- inform their Headteacher/Line Manager of any medical condition which may affect their attendance or performance at work, or which might put at risk their colleagues, pupils or members of the public (any such matters will be dealt with confidentially)
- inform their Headteacher/Line Manager of any health problem or disability if they consider that this may require adjustments to be made to the work situation (any such matters will be dealt with confidentially)
- co-operate with reasonable adjustments/phased returns to work, as recommended by the Occupational Health Service or the GP, to facilitate their return to work
- Not unreasonably withhold or delay consent for the school to access Occupational Health Service reports/advice

In situations where an employee fails to attend a meeting with the Occupational Health Service without good reason - this may lead to disciplinary action by the school, and/or a decision being made regarding the employee's continued employment at the school in the absence of medical advice.

## Employee's right to be accompanied

The employee has the right to be accompanied at meetings (where specified within the Policy/Procedure and the Guidance Notes) by a 'companion' who may be a professional association/trade union representative or a work colleague.

A professional association/ trade union representative must have been certified by their union as being competent to accompany an employee.

The 'companion' is able to address the meeting, make opening and closing statements, ask questions and confer with the employee, but not to answer on behalf of the employee when the employee is asked a question directly. Where the 'companion' is a work colleague reasonable paid time off will be granted for him/her to confer with the employee, to prepare for and to attend meetings.



If the chosen 'companion' is unavailable, the meeting will be postponed to the time that the employee proposes, provided that the alternative time is reasonable and not more than 5 working days after the original date of the proposed meeting.

## Role of the Occupational Health Service

The role of the Occupational Health Service is to provide independent specialist medical advice on employee health related matters.

This includes the provision of advice in response to referrals by the school about an employee where there is concern about:

- his/her health
- the level of sickness absence
- his/her longer-term ill health or disability
- any other health-related problem which is affecting his/her performance at work

Occupational Health will also provide advice to facilitate the employee's return to work.

When cases are referred to the Occupational Health Service for advice, the school will provide information about the employee, including details of job duties and responsibilities, the employee's sickness absence record and any other relevant information.

Depending on the circumstances of the case, the advice sought from the Occupational Health Service is likely to involve the employee receiving a telephone call to discuss his/her situation, or attending an appointment (or a series of appointments) with an Occupational Health Physician or Nurse, in which the following will be considered (please note that this is not an exhaustive list):

- The nature and extent of the illness(es)
- Whether an employee's level of sickness absence is as a result of an underlying health problem or disability
- The likelihood of the current level of absence recurring
- The likely duration of sickness absence, when the employee is likely to return to work, and what support will be necessary upon return to work, or what may facilitate an earlier return to work if that is possible
- Whether the employee is/will be medically fit to undertake the full range of duties of the post
- Whether there are any limitations (permanent or temporary) on the employee's ability to undertake certain duties



- Whether changes could be made to the work situation to accommodate the employee's health problem or whether redeployment on health grounds should be considered
- Whether the ill health is likely to be permanent, and if so, whether independent advice should be sought via a referral to an Independent Doctor within the Occupational Health contract for consideration of early retirement on ill health grounds (support staff)
- In the case of teachers, the individual must make an application for ill health retirement directly to Teachers' Pensions. The medical opinion provided by the Occupational Health Service and/or the employee's GP may be used to support the application
- Whether, in spite of the employee's GP's having certified them as fit for work, there may be operational reasons for the employee to be placed on Medical Suspension (this would be on full pay)

The advice provided by the Occupational Health Service may require liaison with the employee's GP and, and where appropriate, their Consultant or other specialist. The nature of the liaison will be explained by Occupational Health who will also arrange for the necessary authorisations from the employee.

The advice provided by the Occupational Health Service to the school will refer to the employee's fitness to undertake their employment, but will not disclose personal details of the employee's health, without the employee's consent. The employee should be given a copy of any relevant correspondence received by the school from the Occupational Health Service.

Where an employee disagrees with the medical opinion provided by the Occupational Health Service, they have the right to seek an alternative medical opinion (at their own expense) for consideration by the Occupational Health Service. This should be within a reasonable time period, as notified to the employee by the school.

The school's HR Officer can provide advice with regard to ill health retirement procedures.

## Fit for Work Scheme

This scheme has been launched by the Government and is aimed at people in work who have been off work for more than 4 weeks, or who are likely to be off for more than 4 weeks. If an employee has used this service, and brings recommendations from the service that need management action, then Headteachers should consider the advice in the same way as they would consider the recommendations in a 'fit note'. It is not compulsory to follow the recommendations of this service but Headteachers should give them serious consideration and ask for advice from their school's HR Officer if necessary.





## Role of HR Officers

The HR Officer's role is to advise and support schools in the management of ill health/sickness absence cases. They will also attend meetings as necessary in discussion with the school. Where there is a likely to be a dismissal then a representative from Integra Schools HR will advise the Panel (this is a requirement for maintained schools where attendance is on behalf of South Gloucestershire Council - there is not a requirement where the Governing Body are the employer (e.g. VA schools) but the representative may attend in an advisory capacity.

## Return to work interview

Return to work interviews have been identified as the most effective intervention to manage short-term absence. They should be conducted by the Headteacher/Line Manager after each instance of absence. Their purpose is:

- to welcome the employee back to work
- to ensure the employee is fully fit to return to work
- to identify the reason for the absence and confirm the length of absence
- to identify and address any problem (work related or otherwise) that may be causing or contributing to the absence
- to discuss and/or identify any adjustments to the workplace/hours/duties that may reduce/eliminate absences
- to agree the priorities for the post-absence period and to update the employee on what he/she has missed

In many instances a brief, informal chat will suffice to cover all relevant issues.

Where a more formal interview needs to take place this must be held in private and should be handled in a sensitive and professional manner.

A record of the discussion with the employee should be kept, in order that you can refer to this in future.

## Phased return to work

This process enables employees who have had a significant absence from work, usually of four weeks or more, or have had a significant illness, to make a gradual return to work. A phased return to work is a structured process with an agreed timescale and the duration of the phased return will be dependent upon the nature of the employee's illness and the length of their absence. Each case will be considered on its own merits; however it is anticipated that in general, a phased return of up to 6 weeks would be considered where the absence has continued for approximately 12 weeks or more. A phased return of a period that is longer than a six week period would only be considered in exceptional circumstances.

The phased return starts, generally, at no less than half of the employee's contractual hours and gradually increasing to normal working. The timing of the increase in hours will be discussed with the employee and be considered on the recommendation of Occupational Health and/or the employee's GP (whilst every effort will be made to accommodate a return on this basis it may not always be possible due to operational or health and safety considerations).



A phased return is generally supported by medical advice; either from Occupational Health or from the employee's GP, and the employee will be required to obtain certification from his/her GP that he/she is fit to return to work, albeit on reduced hours and/or duties.

During the phased return period employees will be paid as follows:

- Employees who immediately prior to their return to work were receiving full sick pay will receive full contractual pay, irrespective of the hours actually worked
- Employees who immediately prior to their return to work were receiving half sick pay will receive half contractual pay plus payment for the hours actually worked, provided that the total payment does not exceed their full contractual rate of pay
- Employees who have exhausted their sick pay entitlement will receive payment for the hours actually worked

In cases where a further period of reduced hours is at the employee's request (and not due to Occupational Health or the GP's advice) and this is agreed by the school, the payment would be for the actual hours worked.

If, following the phased return to work, the employee is unable to return to his/her contractual hours of work or specific duties then the Headteacher should discuss with the employee the need to seek alternative solutions, which may include the possibility of a variation to the employee's contract on a temporary or a permanent basis where this can be accommodated by the school.

Other means of assisting a phased return to work may be explored e.g. aids or adaptations that can be reasonably accommodated.

## Return to work plan

When a date for return has been agreed, a return to work plan as part of the phased return should be agreed between the Headteacher/Line Manager and the employee, liaising with the employee's 'Companion,' and the school's HR Officer as appropriate (consideration should be given to any other staff likely to be affected). The plan should normally include:

- the goal of the plan e.g. to get the employee back to full-time activity following an incremental increase in hours over an agreed period of time
- the timescale for any agreed structured phased return
- any agreed modifications to hours and/ or role and whether permanent or temporary
- any reasonable adjustments which have been agreed to facilitate the return and whether permanent or temporary
- agreed monitoring arrangements and review dates
- any further referral(s) to Occupational Health with dates
- provision for updating the employee about relevant work issues



- provision for briefing colleagues, as agreed with the employee, to facilitate the employee's return to work

A copy should be given to the employee and any modifications of the plan which are agreed at the review meetings should be recorded in writing.

## Redeployment

Where there are no reasonable adjustments that could facilitate the employee's return to his/her substantive job, or these prove to be impractical, then the possibility of redeployment to a suitable vacancy (in relation to the employee's skills and experience) should be discussed with the employee.

Any implications in relation to the employee's terms and conditions of employment associated with the alternative post(s), and any opportunities for retraining should be explained to the employee. The Headteacher should advise the employee to contact his/her pension provider to ensure that he/she is fully aware of the consequences of accepting redeployment including whether there is any impact on his/her pension entitlement.

## Industrial injuries

Sickness absence resulting from an industrial injury will be managed in the same way as other sickness absence in the operation of this policy and procedure. However, absence in respect of normal sickness is entirely separate from absence through industrial injury. Your school's HR Officer will advise on this issue.

## Carrying out duties whilst on sick leave

Neither teachers nor support staff are under any obligation to undertake any of their normal duties whilst on sickness absence. For all staff, the priority is to regain full health and return to work.

Teaching staff are under no obligation to set work for their classes when they are on sick leave. Some schools have contingency plans in place in the event of staff sickness. If a teacher chooses to undertake some work he/she should ensure this does not impact adversely on his/her health.

Similarly, teachers on long term sick leave may wish to complete pupil reports and assessments or support staff may wish to undertake key tasks; however, no-one should feel under pressure to do so.

## Ill health retirement

Your school's HR Officer will provide advice regarding the process for ill health retirement.

For teaching staff: the employee must apply for ill health retirement benefits directly to Teachers' Pensions. Medical advice will be required and the Occupation Health Service will usually be involved. If ill health retirement is granted, termination of employment normally takes place with immediate effect.

For support staff: If there are potential grounds for early retirement on the grounds of ill health, supported by Occupational Health, this will be considered by an independent occupational health practitioner.



# Employees with disabilities

Schools need to be mindful of their requirements under the Equality Act 2010, in relation to 'disability' in the application of the policy for Managing Sickness Absence and associated guidance.

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities. People who have had disabilities in the past are included.

Impairment covers physical and mental impairment including learning disabilities and hearing and sight impairments. A mental illness could be included if it has a substantial effect on daily life.

'Substantial adverse effect' means something which is more than a minor or a trivial effect and is beyond the normal differences in ability which exist among people.

'Long term effect' means one which has lasted or is likely to last for at least twelve months or for the rest of the life of the person. Therefore, loss of mobility due to a broken leg which is likely to heal within twelve months or a long-term illness which a person is likely to recover from within twelve months are not included. It may include stress where the effects of the condition are substantial and adverse, and they are more likely than not to recur.

Substantial effects of a disability which has ceased but is expected to recur at least once a year, for example rheumatoid arthritis or epilepsy, are included in the definition.

Progressive illnesses such as cancer; multiple sclerosis, HIV infection and muscular dystrophy are covered from the moment of diagnosis. An employee with a disability is protected by the Equality Act 2010 from discrimination in all aspects of employment, including recruitment, promotion, transfer, training and dismissal.

Discrimination is defined as the treatment (by an employer) of a disabled person less favourably than others who are not disabled, without justification.

It is also discriminatory for employers to fail to make 'reasonable adjustments' to either their premises or their employment arrangements where a failure to do so would cause a substantial disadvantage to a disabled person, subject to the resources available to the individual employer. Advice should be sought from the school's HR Officer where 'reasonable adjustments' may be required as there is a judgement to be made on each individual case.

It does not necessarily follow that people with disabilities have more sickness absence than other people. Where absence episodes do relate to disability, however, the Headteacher/ Line Manager should be careful not to act in a discriminatory way. This does not alter the need to respond to absences in accordance with the timescales suggested, but it does mean that the manner of the response should be sensitive to the disability issues.

Sometimes an early management response may identify a disability issue that might otherwise be overlooked, or provide an indication that more effective workplace/task adjustments may be needed to support an employee with a disability. If in doubt the Headteacher/Line Manager should contact their school's HR Officer.

When considering what reasonable adjustments will support an employee with a disability, it is important that the Headteacher/line manager looks at the options jointly with the affected employee, and taking account of relevant specialist advice, including from Occupational Health. The following list provides a number of possible adjustments but is not exhaustive:

- Adjustments to the premises
- Re-allocation of duties between the disabled employee and colleagues
- Transfer of the employee to fill a more suitable, existing vacancy
- Changes to the employee's working hours
- Paid time off for rehabilitation, assessment or training
- Acquisition or modification of equipment
- Provision of a reader, interpreter or support worker
- Increased supervision

## New and expectant mothers

Great care must be taken when dealing with sickness absence during pregnancy as the law states that a pregnant woman may not be subjected to detriment, directly or indirectly, on grounds of pregnancy.

As the period beginning with the start of a woman's pregnancy and ending with her return to work after maternity leave is deemed to be a 'protected period', it is inadvisable for an employer to subject an employee who is absent from work with a pregnancy-related condition to any warnings for unsatisfactory attendance. Such action could also be viewed as sex discrimination.

The school should, however, continue to monitor a pregnant employee's sickness absence. Self-certificates must still be completed and the Headteacher/Line Manager should conduct return-to-work interviews in the normal way. Such interviews provide an opportunity for the Headteacher/Line Manager or employee to raise any concerns about the employee's working situation in relation to the pregnancy (see Risk Assessment below).

If an employee is still working after the beginning of the 4th week before the expected week of confinement and has a period of sickness which is related to her pregnancy, then this will automatically trigger her Maternity Leave and Pay.

## Pregnancy risk assessment

There are additional legal duties where an employer employs expectant mothers. This means that a separate risk assessment should be carried out, identifying the particular risks or hazards associated with the pregnancy. This will very much depend upon the workplace and the kind of work carried out, but may well include the risks of heavy lifting and carrying, excessive time spent standing up, or for some staff, the risks of having to deal with unruly children or the risk of violence.

A pregnancy risk assessment should be carried out without delay on receiving written notification of pregnancy, as follows:

- Identify the hazards
- Decide who might be harmed and how
- Evaluate the risks and decide on precautions
- Record your findings and implement them
- Review your assessment and update if necessary



Further information can be provided from your school's Health and Safety Officer, or from the Health and Safety Executive ([www.hse.gov.uk](http://www.hse.gov.uk)).

## **Sickness at the end of or following maternity leave**

Where an employee fails to return on her expected return to work date and instead reports in sick, then the sickness absence reporting procedure would apply in this circumstance; however advice should be sought from your school's HR Officer as the case may not be straight forward if the absences are related to the employee's pregnancy or childbirth.

## **Work related stress**

Your HR Officer and/or Health and Safety Officer can provide support and guidance on this issue.

See also the HSE Management Standards for work related stress.

<http://www.hse.gov.uk/stress/standards/>

